

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7360

BILL NUMBER: SB 322

DATE PREPARED: Dec 31, 1998

BILL AMENDED:

SUBJECT: Dissolution of marriage waiting period.

FISCAL ANALYST: Susan Preble

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill extends the minimum waiting period from 60 days to 180 days before a dissolution of marriage may be finalized. It also retains 60 days as the minimum waiting period upon a showing of domestic violence against a party or the party's minor child.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues: This bill may impact the number of dissolution of marriage filings. However, research on the relationship between the length of waiting periods and the number of these filings was inconclusive. No other state has a waiting period of 270 days for dissolution actions. California has a waiting period of six months from service or respondent's appearance, whichever is first. Louisiana has a 180-day waiting period for divorce actions. In 1991, Louisiana's waiting period was shortened from one year to 180 days. No information regarding the number of filings for dissolutions of marriage in Louisiana is available.

The filing fee for civil actions, including dissolutions of marriage, is \$100. Of this fee, 70% or \$70 is deposited in the state general fund if the case is filed in a trial court. If civil case is filed in a city or town court, the state general fund receives 55% of the \$100 filing fee.

Explanation of Local Expenditures: The operating expenses of the trial courts are paid by the county general fund. The expenses of the city and town courts are paid by the general fund of the city or town in which the court is located.

During 1997, 42,385 domestic relations cases were filed in Indiana's trial courts. This figure includes actions involving dissolutions of marriage.

Explanation of Local Revenues: If the case is filed in trial court, the county general fund receives \$27, or 27%. The other \$3, or 3%, is deposited in the general fund of the cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a circuit, superior, county, or municipal court located in the county. If the case is filed in a city or town court, the county general fund receives 20% while the city or town general fund receives \$25.

State Agencies Affected:

Local Agencies Affected: Trial courts.

Information Sources: 1997 Indiana Judicial Report, Vol. I, p. 39, 53; IC 33-19-7 (concerning civil filing fees and their distribution); Pam Greenberg, National Conference of State Legislatures, (303) 830-2200; Patsy Taylor, Louisiana Judicial Administration, (504) 568-5747; Jan Jordan, Louisiana House Judiciary Committee, (504) 342-2458; Mary Quaid, Louisiana House of Representatives, (225) 342-2421; Betsy Bakke, Director, New Orleans Divorce Center, (504) 488-9924; Susan Norwood, Family Mediation Council of Louisiana, (504) 558-9080.